

Order

Michigan Supreme Court
Lansing, Michigan

March 28, 2006

Clifford W. Taylor,
Chief Justice

ADM File No. 2006-02

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of
Rule 7.205 of the
Michigan Court Rules

AMENDMENT TO ORDER

On order of the Court, the order of February 23, 2006 is amended to correct a clerical error, effective May 1, 2006. MCR 7.205(F)(4) is amended as follows:

Rule 7.205 Application for Leave to Appeal

(F) Late Appeal.

(1)-(3)[Unchanged.]

(4) The limitation provided in subrule (F)(3) does not apply to an application for leave to appeal by a criminal defendant if the defendant files an application for leave to appeal within 21 days after the trial court decides a motion for a new trial, for judgment directed verdict of acquittal, to withdraw a plea, or for resentencing to correct an invalid sentence, if the motion was filed within the ~~12~~ 6-month period prescribed in MCR 6.310(C), MCR 6.419(B), MCR 6.429(B), and MCR 6.431(A), or if

(a)-(b)[Unchanged.]

(c) the application for leave to appeal is filed in accordance with the provisions of this rule within 42 days after the filing of the transcript. If the transcript was filed before the order appointing or denying the appointment of counsel, the 42-day period runs from the date of that order.

A defendant who seeks to rely on one of the exceptions in subrule (F)(4) must file with the application for leave to appeal an affidavit stating the relevant docket entries, a copy of the register of actions of the lower court, tribunal, or agency, or other documentation showing that the application is filed within the time allowed.

Staff Comment: The amendment corrects the opening sentence of subrule (F)(4).

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2006

Corbin R. Davis

Clerk